

1 THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,
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12 Plaintiff,
13 v.
14 SUMIT GARG,
15 Defendant.

CASE NO. CR21-0045-JCC

ORDER

16 This matter comes before the Court on the Government's unopposed motion to continue
17 trial (Dkt. No. 45).¹ Having thoroughly considered the motion and the relevant record, the Court
18 hereby GRANTS the motion.

19 Trial is currently scheduled for May 17, 2021. (*See* Dkt. No. 27.) The Government moves
20 to continue trial because it recently obtained court orders and search warrants for evidence and
21 has not received it yet and it needs more time to examine electronic devices. (Dkt. No. 45 at 2.)
22 In addition, the Court *sua sponte* considers the context in which the Government's motion arises.
23 As it has for the past several months, the COVID-19 pandemic continues to impact the Court's
24 operations. *See* W.D. Wash. General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20,
25 18-20, 04-21, each of which the Court incorporates by reference. Specifically, the pandemic has

26 ¹ Mr. Garg did not respond to the motion. Therefore, the Court treats the motion as unopposed,
and concludes that any opposition would be without merit. *See* W.D. Wash. Local Crim. R.
12(b)(4).

1 made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross
2 section of the community, and public health guidance has impacted the ability of jurors,
3 witnesses, counsel, and Court staff to be present in the courtroom. *See generally id.* Although the
4 availability of a vaccine makes it likely that the Court will be able to resume in-person criminal
5 trials in May 2021, the Court will continue to be limited by public health measures, such as
6 limits on the number of people in the courthouse and courtrooms, which are likely to limit the
7 Court's ability to try cases as efficiently as it would absent a pandemic. *See W.D. Wash. General*
8 *Order 04-21 at 2.* These public health measures are scheduled to continue through June 30, 2021
9 and may need to be extended further based on a recent rise in COVID-19 cases in the District.
10 *See id.*; *see also* <https://kingcounty.gov/depts/health/covid-19/data/daily-summary.aspx>.

11 Therefore, having thoroughly considered the briefing and the relevant record, the Court
12 FINDS that the ends of justice served by granting a continuance outweigh the best interests of
13 Mr. Garg and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this
14 finding are:

- 15 1. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
16 spectrum of jurors to represent a fair cross section of the community, which would
17 likely make proceeding with an earlier trial impossible or would result in a
18 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 19 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
20 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
21 would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C.
22 § 3161(h)(7)(B)(i).
- 23 3. The failure to grant a continuance would deny counsel for the Government the
24 reasonable time necessary for effective preparation, taking into account the exercise
25 of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 Accordingly, the Court ORDERS:

- 2 1. The May 17, 2021 jury trial is CONTINUED until July 5, 2021 at 9:30 a.m.
- 3 2. The April 15, 2021 pretrial motions deadline is CONTINUED until June 3, 2021.
- 4 3. The period from the date of this order until July 5, 2021 is an excludable time period
- 5 under 18 U.S.C. § 3161(h)(7)(A).
- 6 4. The parties shall appear at an in-person status conference on May 24, 2021 at 10:00
- 7 a.m. to discuss whether an additional continuance is necessary.
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10 DATED this 7th day of May 2021.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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